IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

OMP No.620 of 2004 and 617 of 2005 in Execution petition No.15 of 2003.

Date of decision: 28-12-2005.

M/S N.K.Cables Ltd. **Decree-holder.**

Versus

VHEL Industries Ltd. **Judgment-debtor.**

Coram

The Hon'ble Mr. Justice V.M.Jain, J.
Whether approved for reporting[1]?

For the applicant in OMP No.620 of 2004. **Mr. Ramakant Sharma, Advocate.**

For the applicant in OMP No.217 of 2005. **Mr. Suneet Goel, Advocate.**

For the Decree-holder: **Mr. Ankush Dass Sood, Advocate.**

For the Judgment-debtor: **Mr.K. D.Sood, Advocate.**

Mr. Ajay Kumar for Punjab National Bank.

V.M.Jain,J.

This order shall dispose of the afore-mentioned applications filed by the applicants under Order 1 Rule 10 read with Sections 73 and 151 CPC and under Section 73 read with Order 21 Rule 58 and Section 151 CPC by the applicants namely, N.K.Cables Pvt. Ltd. And M/S. Malanpur Steel Limited respectively, in the Execution Petition filed by M/S N.K.Cables Ltd. (DH) against VHEL Industries Ltd. (JD).

In OMP No.620 of 2004, it has been alleged by the applicant that the Arbitrator had given Award dated 19.7.2000 in favour of the applicant and against the judgment debtor, whereas

---

[1] Whether the reporters of Local Papers may be allowed to see the Judgment?

in OMP No.217 of 2002, the applicant has alleged that the High Court of Kolkata had passed a decree dated 27.8.1997 in favour of the applicant and against the Judgment debtor. In both these applications, the applicants have prayed that they may be impleaded as parties in the present Execution Petition filed by M/S N.K.Cables so that they may protect their interest, keeping in view the provisions of Section 73 CPC and other relevant provisions.

After hearing the learned counsel and perusing the record and keeping in view the facts and circumstances of the present case, in my opinion, it is a fit case where both these applications may be allowed and the applicants in both these applications may be impleaded as respondents in the Execution Petition filed by the Decree Holder against the Judgment debtor, so that the applicants may protect their interest. Accordingly, both these applications are allowed and the applicants are ordered to be impleaded as respondents in the Execution Petition. The office shall make necessary correction in the main Execution Petition No.15 of 2003.

It is however made clear that by virtue of this order passed by this Court, no right has been given to the applicants under Section 73 CPC or otherwise and this question would be considered at the appropriate stage in accordance with law. By passing this order, the applicants have only been given the right to intervene and to protect their interest in accordance with law.

28th December, 2005 (V.M.Jain),J.
(SDS)